

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JERRY GANDY,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 2:25-cv-428

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Kimberly A. Jolson

OPINION AND ORDER

This matter is before the Court on the Report and Recommendation issued by the Magistrate Judge on April 24, 2025. (ECF No. 3.) The Magistrate Judge recommends that the Motion to Proceed *in forma pauperis* filed by Plaintiff Jerry Gandy (ECF No. 1) be denied and that Mr. Gandy be ordered to pay the filing fee. (ECF No. 3, PageID 24.)

Once a magistrate judge issues a report and recommendation, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). The failure to file written objections to a magistrate judge's report and recommendation waives a de novo determination by the district court of any issues addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

Mr. Gandy was advised of his right to object to the Report and Recommendation and of the consequences of failing to do so (ECF No. 3, PageID 24–25), but he did not file a timely objection. Accordingly, Mr. Gandy waived a de novo review of the Report and Recommendation.

The Court has reviewed the Report and Recommendation and agrees with the recommendations stated therein. The Court **ADOPTS** and **AFFIRMS** the Report and Recommendation. (ECF No. 3.) The Motion to Proceed *in forma pauperis* (ECF No. 1) is **DENIED** and Mr. Gandy is **ORDERED** to pay the filing fee within **30 DAYS** of this Court's Order.

Mr. Gandy is also **DIRECTED** to serve Defendant, the United States of America, under Rule 4 of the Federal Rules of Civil Procedure. Rule 4(i)(1) details the process of serving the United States and explains that Mr. Gandy must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an assistant United States attorney or clerical employee whom the United States attorney designates in writing filed with the court clerk—or

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

IT IS SO ORDERED.

5/27/2025
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE